

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Chapter 7 Estate of Bernard L.  
Madoff,

Plaintiff,

v.

EFG BANK S.A., f/k/a EFG Private Bank  
S.A., EFG BANK (MONACO) S.A.M., f/k/a  
EFG Eurofinancière d'Investissements  
S.A.M., and EFG BANK & TRUST  
(BAHAMAS) LIMITED, as successor-in-  
interest to Banco Atlántico (Bahamas) Bank &  
Trust Limited,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01690 (CGM)

**STIPULATION AND ORDER REGARDING FILING OF  
AMENDED COMPLAINT AND SUBSEQUENT SCHEDULING**

Irving H. Picard, as trustee (the "Trustee") for the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the Chapter 7 estate of Bernard L. Madoff, and the defendants in this action, EFG Bank S.A., EFG Bank (Monaco) S.A.M., and EFG Bank & Trust (Bahamas) Limited ("Defendants," and together with the Trustee, the "Parties"), by and through

their respective undersigned counsel, state as follows:

**WHEREAS**, the Trustee filed a complaint against Defendants on June 6, 2012; and

**WHEREAS**, on September 30, 2022, Defendants consented to the Trustee's filing of an amended complaint in the form forwarded by the Trustee to Defendants on September 20, 2022, subject to the right of Defendants to file a motion to dismiss and otherwise oppose any and all claims asserted therein.

**IT IS HEREBY STIPULATED AND AGREED**, that

1. The Trustee shall file the amended complaint against Defendants in final form (which shall be filed in the form of the draft amended complaint provided to defense counsel on September 20, 2022 ) (the "Amended Complaint") on or before **October 14, 2022**.
2. Defendants shall file a motion to dismiss the Amended Complaint on or before **December 13, 2022**. The Trustee shall file any opposition to Defendant's motion to dismiss on or before **February 13, 2023**. Defendants shall file any reply brief in support of its motion to dismiss on or before **March 15, 2023**.
3. The Parties shall schedule the motion for hearing at the Court's March 2023 omnibus hearing date, subject to the availability of undersigned counsel for the parties.
4. The Parties reserve all rights, arguments, objections, and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights, arguments, objections, and defenses, including without limitation, challenges to personal jurisdiction.

5. The above deadlines granted by this Stipulation and Order are without prejudice to any party seeking future extensions of time.

Dated: September 30, 2022  
New York, New York

/s/ Brian W. Song

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*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the  
Chapter 7 Estate of Bernard L. Madoff*

**SO ORDERED.**

/s/ Adam M. Lavine

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*Attorneys for Defendants*

**Dated: October 3, 2022**  
**Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**